

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the matter of)

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Amendment of Part 90 of the
Commission's Rules to Facilitate
Future Development of SMR
Systems in the 800 MHz
Frequency Band)

DOCKET FILE COPY ORIGINAL
PR Docket No. 93-144
RM 8117, RM-8030
RM-8029

and

Implementation of Section)
309(j) of the Communications)
Act- Competitive Bidding)
800 MHz SMR)

PP Docket No. 93-253

COMMENTS OF BRANDON COMMUNICATIONS, INC.

Brandon Communications, Inc. ("Brandon"), pursuant to the provisions of Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"), hereby submits its Comments in response to the Further Notice of Proposed Rule Making in the above referenced proceeding¹ in which the FCC plans to implement a new framework for licensing Specialized Mobile Radio ("SMR") systems in the 800 MHz band.

I. INTRODUCTION

Brandon has been in the two-way radio business since 1967. Brandon provides 2-way radio, community repeater, and SMR services to mostly rural customers living within a 100 mile radius of Brandon, Minnesota. Because Brandon will be significantly affected by the FCC's proposals, it is pleased to have this opportunity to submit the following comments.

¹ Further Notice of Proposed Rule Making ("Further Notice"), FCC Docket No. 93-144, Released November 4, 1994 (FCC 94-271). The deadline for the submission of Comments and Reply Comments in this proceeding was extended to January 5, and January 20, respectively. See, Order, P.R. Docket No. 93-144, DA 94-1326 (released November 28, 1994).

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II. COMMENTS

Brandon strongly supports the Commission's conclusion that incumbent SMR systems should not be subject to mandatory relocation to new frequencies. There is no adequate policy basis for mandatory relocation. While in other instances² the Commission has imposed mandatory relocation on existing licensees, those actions were undertaken to create a new service. In this instance, wide area SMR systems already exist. It is unnecessary to expend the significant social and financial resources of spectrum relocation in order to offer a new service, particularly because the proponents of mandatory migration can achieve on a voluntary basis many of the same goals they seek without disrupting existing services. It is patently unfair and against the public interest to require disruption to services in existence without justification.

Because the Commission recommends against mandatory relocation, it must address the ability of incumbent licensees to relocate existing systems. Brandon generally suggests that incumbent licensees be permitted to relocate their facilities at least within their 22 dBu coverage contour. To restrict licensees to their existing facilities would make them hostages to site owners. While Brandon recommends a 40/22 dBu co-channel separation standard in general, that separation could be reduced in favor of a local licensee within the coverage area of an MTA system, unless the MTA licensee had already constructed co-channel facilities at a particular site. The MTA licensee, like any other co-channel licensee, would be required to observe the 40/22 dBu co-channel separation requirement as it applied to the local licensee.

² See e.g., Memorandum Opinion and Order, ET Docket No. 92-9, 9 FCC Rcd. 1943 (1994).

III. CONCLUSIONS

The establishment of rights for MTA based licensees should not come at the expense of incumbent SMR licensees. Mandatory migration will result in the disruption of customer service, the loss of customer confident and good will, and ultimately the erosion of small operators' customer bases.

WHEREFORE, THE PREMISES CONSIDERED, Brandon Communications, Inc. hereby submits its Comments in the foregoing proceeding and urges the FCC to act in a fashion consistent with the views expressed herein.

Respectfully submitted,

BRANDON COMMUNICATIONS, INC.

By: *Genmi Koshowski, per.*

115 E. Front Street
Brandon, Minnesota 56315
(612) 524-2283

Dated: January 4, 1995

I verify under penalty of perjury that the foregoing is true and correct. Executed on January 4, 1995.

By: *Genmi Koshowski, per.*